



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

(ca)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/420,692	10/19/99	BESTERMAN	J 106.101.197

NANCY CHIU PH D
HALE AND DORR LLP
60 STATE STREET
BOSTON MA 02109

HM12/0620

EXAMINER

MCGARRY, S

ART UNIT

PAPER NUMBER

1635

9

DATE MAILED:

06/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY



file

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/420,692			

EXAMINER	
McGarry	
ART UNIT	PAPER NUMBER
1635	9
DATE MAILED:	

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed on 1/14/01 is not fully responsive to the communication mailed 12/01/00 for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

Since the response appears **bona fide** applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CAR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CAR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CAR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication should be directed to Examiner Sean McGarry, Art Unit 1635, whose telephone number is (703) 305-7028.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

June 19, 2001



SEAN McGARRY
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: _____

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

Raw Sequence Listing Error Summary

<u>ERROR DETECTED</u>	<u>SUGGESTED CORRECTION</u>	<u>SERIAL NUMBER: 09/420, 642</u>
ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE		
1 <input type="checkbox"/> Wrapped Nucleics	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3, as this will prevent "wrapping".	
2 <input type="checkbox"/> Wrapped Aminos	The amino acid number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3, as this will prevent "wrapping".	
3 <input type="checkbox"/> Incorrect Line Length	The rules require that a line not exceed 72 characters in length. This includes spaces.	
4 <input type="checkbox"/> Misaligned Amino Acid Numbering	The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.	
5 <input type="checkbox"/> Non-ASCII	This file was not saved in ASCII (DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text so that it can be processed.	
6 <input type="checkbox"/> Variable Length	Sequence(s) <input type="checkbox"/> contain n's or Xaa's which represented more than one residue. As per the rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.	
7 <input type="checkbox"/> PatentIn ver. 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) <input type="checkbox"/> . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence.	
8 <input type="checkbox"/> Skipped Sequences (OLD RULES)	Sequence(s) <input type="checkbox"/> missing. If intentional, please use the following format for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (i) SEQUENCE CHARACTERISTICS: (Do not insert any headings under "SEQUENCE CHARACTERISTICS") (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: This sequence is intentionally skipped Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).	
9 <input type="checkbox"/> Skipped Sequences (NEW RULES)	Sequence(s) <input type="checkbox"/> missing. If intentional, please use the following format for each skipped sequence. <210> sequence id number <400> sequence id number 000	
10 <input type="checkbox"/> Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Use of <220> to <223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.	
11 <input checked="" type="checkbox"/> Use of <213>Organism (NEW RULES)	Sequence(s) <u>All</u> are missing this mandatory field or its response.	
12 <input type="checkbox"/> Use of <220>Feature (NEW RULES)	Sequence(s) <input type="checkbox"/> are missing the <220>Feature and associated headings. Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown" Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)	
13 <input type="checkbox"/> PatentIn ver. 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other means to copy file to floppy disk.	